

Supplemental Appeal Brief to January 28, 2003, which is within the statutory period. However, should such a request or fee be deficient or absent, consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P., Deposit Account No.: 50-1212/ARSB:509--1.

Entry of the following amendments and remarks is respectfully requested.

I. AMENDMENT

Please make the following amendments:

In the Claims:

Please ~~cancel~~ claims 45, 46, and 74-94 without prejudice or disclaimer.

Please amend claims 49-51, 67, and 70 by replacing them with the following substitute claims:

49. (Amended) The isolated ~~nucleotide~~ ^{polynucleotide} of claim 39, wherein said nucleotide is from about 849 to about 1,000 basepairs in length.

50. (Amended) The isolated ~~nucleotide~~ ^{polynucleotide} of claim 39, wherein said sequence region that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2 is operably positioned under the control of a promoter.

51. (Amended) The isolated ~~nucleotide~~ ^{polynucleotide} of claim 39, wherein said sequence region that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2 is operatively linked to a second coding region that encodes a selected peptide or polypeptide, said nucleotide encoding a methylthioadenosine phosphorylase fusion peptide or polypeptide.

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